

CHAPTER 28

BOARD OF COSMETOLOGY AND HAIRSTYLING

Authority

N.J.S.A. 45:1-15.1 and 45:5B-6(r).

Source and Effective Date

R.2009 d.169, effective April 23, 2009.
See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Chapter Expiration Date

Chapter 28, Board of Cosmetology and Hairstyling, expires on April 23, 2014.

Chapter Historical Note

Chapter 28, originally Board of Beauty Culture Control, Subchapters 1 through 3, was adopted pursuant to N.J.S.A. 45:4A-13, and was filed and became effective prior to September 1, 1969. Subsequently, Chapter 28 was amended by the following rule adoptions:

R.1977 d.34, effective February 10, 1977. See: 8 N.J.R. 530(a), 9 N.J.R. 129(a).

R.1980 d.94, effective February 27, 1980. See: 11 N.J.R. 452(c), 12 N.J.R. 208(b).

R.1980 d.109, effective March 14, 1980. See: 11 N.J.R. 561(b), 12 N.J.R. 209(a).

R.1980 d.228, effective May 21, 1980. See: 12 N.J.R. 207(b), 12 N.J.R. 433(a).

R.1980 d.229, effective May 21, 1980. See: 12 N.J.R. 206(a), 12 N.J.R. 433(b).

R.1980 d.261, effective June 17, 1980. See: 12 N.J.R. 206(b), 12 N.J.R. 434(c).

R.1981 d.109, effective May 7, 1981. See: 13 N.J.R. 102(b), 13 N.J.R. 308(a).

R.1982 d.69, effective March 15, 1982. See: 13 N.J.R. 931(a), 14 N.J.R. 283(b).

R.1982 d.70, effective March 15, 1982. See: 13 N.J.R. 930(b), 14 N.J.R. 283(a).

Pursuant to Executive Order No. 66(1978), Subchapter 1, Beauty Culture Industry, was readopted as R.1985 d.139, effective February 25, 1985. See: 17 N.J.R. 49(a), 17 N.J.R. 709(c). Pursuant to Executive Order No. 66(1978), Subchapter 2, Beauty Culture Schools, expired on February 25, 1985, and subsequently was adopted as new rules by R.1985 d.160, effective April 1, 1985. See: 17 N.J.R. 172(a), 17 N.J.R. 835(a). Subchapter 3, Forms, referencing a uniform penalty letter, was not readopted. Subchapter 4, Fees, was adopted as R.1985 d.464, effective September 3, 1985. See: 17 N.J.R. 1638(a), 17 N.J.R. 2139(c).

Chapter 28, Board of Beauty Culture Control, was repealed by R.1988 d.214 and a new Chapter 28, Board of Cosmetology and Hairstyling, Subchapters 1 through 6, was adopted, effective May 16, 1988. See: 20 N.J.R. 370(b), 20 N.J.R. 1088(a). A new Subchapter 5, Fees, was adopted as R.1988 d.343, effective July 18, 1988. See: 20 N.J.R. 886(a), 20 N.J.R. 1723(a).

Pursuant to Executive Order No. 66(1978), Chapter 28, Board of Cosmetology and Hairstyling, was readopted as R.1993 d.287, effective May 14, 1993. See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Pursuant to Executive Order No. 66(1978), Chapter 28, Board of Cosmetology and Hairstyling, was readopted as R.1998 d.285, effective May 8, 1998. See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

Chapter 28, Board of Cosmetology and Hairstyling, was readopted as R.2003 d.458, effective October 27, 2003. See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

Chapter 28, Board of Cosmetology and Hairstyling, was readopted as R.2009 d.169, effective April 23, 2009. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. PRACTICING LICENSES, APPLICATION AND EXAMINATIONS

13:28-1.1 Applicants for examination for licensure; acceptable documentation of credentials; license renewals; reinstatement; inactive status

(a) Applications for examination may be procured from the office of the Board of Cosmetology and Hairstyling.

(b) All applications must be accompanied by satisfactory proof of age. The following are deemed to constitute such proof:

1. Birth Certificate or Baptism Certificate;
2. Passport, citizenship papers, immigration certificate or Alien Registration Card;
3. A valid New Jersey driver's license; or
4. Any other document or affidavit which constitutes a valid proof of age.

(c) All applications must be accompanied by proof of satisfactory completion of high school or its equivalent. The following are deemed to constitute such proof:

1. A high school diploma;
2. A certified high school transcript substantiating successful completion of a secondary program; or
3. A transcript or diploma issued after successful passage of the examination developed by the General Educational Development (GED) Testing Service.

(d) Except as provided in (d)1 below, all applications shall be accompanied by a certified transcript from a cosmetology and hairstyling school in New Jersey substantiating that the applicant has attained the requisite training in cosmetology and hairstyling as set forth in N.J.A.C. 13:28-6.

1. Applicants obtaining their cosmetology and hairstyling training in another state or country must demonstrate, by way of certification from that state's or country's licensing authority that such training conforms substantially with the standards applicable to cosmetology and hairstyling schools in the State of New Jersey. Applicants holding a license from another state who have engaged in the practice of cosmetology and hairstyling for at least three years in that state, may submit, in lieu of documentation of cosmetology and hairstyling training, a notarized affidavit of work experience and a letter of certification of licensure by the State's board.

(e) Application for licensure as a teacher must be accompanied by satisfactory proof of the requisite work experience in the form of affidavits from former employers. The required work experience shall consist of a minimum of 30 hours a week working in a licensed shop for six consecutive months. The affidavit shall list the location of the shop and the applicant's job description.

(f) All applications for licensure must be accompanied by the appropriate fee as set forth in N.J.A.C. 13:28-5.1. Application fees shall be non-refundable. If an applicant for licensure fails to complete the licensure application process within six months from the date of initial application, the Board shall administratively close the application. Following such action, an applicant who wishes to obtain a license shall reapply to the Board and shall comply with all requirements set forth in this section, including repayment of the application fee set forth in N.J.A.C. 13:28-5.1.

(g) The Board shall send a notice of renewal to all licensees at least 60 days prior to the date of license expiration. If the notice to renew is not sent at least 60 days prior to the license expiration date, no monetary penalties or fines shall apply to a licensee for any unlicensed practice during the period following licensure expiration, not to exceed the number of days short of 60 before the renewals were issued.

(h) A licensee shall renew his or her license for a period of two years from the last expiration date. The licensee shall remit a renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:28-5.1, prior to the date of license expiration. A licensee who submits a renewal application within 30 days following the date of license expiration shall submit the renewal fee, as well as the late fee set forth in N.J.A.C. 13:28-5.1. A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.

(i) A licensee who continues to render cosmetology and hairstyling services with a suspended license shall be deemed to be engaging in the unauthorized practice of cosmetology and hairstyling and shall be subject to the penalties set forth in N.J.S.A. 45:1-25.

(j) A licensee who has had his or her license suspended pursuant to (g) above who applies to the Board for reinstatement shall submit a renewal application, all past delinquent renewal fees, the reinstatement fee set forth in N.J.A.C. 13:28-5.1, and an affidavit of employment listing each job held during the period of license suspension, including the names, addresses, and telephone numbers of each employer. An individual whose license has been suspended for more than five years shall also retake and pass the license examination set forth in N.J.A.C. 13:28-1.2.

(k) A licensee may, upon application to the Board, choose inactive status. A licensee electing inactive status shall not render cosmetology and hairstyling services for the entire biennial registration period. A licensee on inactive status may resume the practice of cosmetology and hairstyling upon payment of the renewal fee for the current biennial registration period set forth in N.J.A.C. 13:28-5.1.

Amended by R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

Added (g).

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400 (a), 35 N.J.R. 5429(a).

In (c)1, deleted "or the equivalent thereof"; deleted former (g) and added new (g) through (k).

Amended by R.2008 d.350, effective November 17, 2008.

See: 39 N.J.R. 4542(b), 40 N.J.R. 6618(b).

In (c)2, substituted "high school" for "High School"; and rewrote (c)3.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Rewrote the introductory paragraph of (d); in (e), inserted the last two sentences; in (f), inserted the last three sentences; and in (g), substituted "any unlicensed practice during the period following licensure expiration, not to exceed the number of days short of 60 before the renewals were issued" for "failure to renew".

13:28-1.2 Examination and reexaminations

(a) Applicants shall be subject to testing in all areas of cosmetology and hairstyling appropriate for the license sought, and such examination shall be in two parts: practical and theory. An applicant shall submit to the Board the examination fee set forth in N.J.A.C. 13:28-5.1 with the application.

1. Applicants shall have the option of taking a computer-based test in lieu of the written theory portion of the examination. The computer-based test shall be administered by a Board-approved third-party vendor and the fee for such test shall be paid by the applicant directly to the vendor. In addition to the fee for the computer-based test, applicants for examination shall submit the examination fee set forth in N.J.A.C. 13:28-5.1 to the Board.

(b) Applicants must receive a passing grade on each part of the examination to obtain a license. An applicant shall achieve a score of not less than 75 percent on the theory portion of the examination in order to be eligible to take the practical examination. No applicant shall be permitted to take the practical examination unless the applicant has successfully completed the theory portion of the examination.

(c) An applicant who fails the theory portion of the examination or fails to appear for the examination may be rescheduled for examination upon written notice to the Board and submission of the examination fee set forth in N.J.A.C. 13:28-5.1.

(d) Payment of the initial examination fee set forth in N.J.A.C. 13:28-5.1 shall entitle an applicant to take and/or be scheduled to take the practical portion of the examination no more than two times. An applicant who fails the practical portion of the examination and/or who fails to appear for the practical portion of the examination twice, may be rescheduled for examination upon written notice to the Board and submission of the examination fee set forth at N.J.A.C. 13:28-5.1.

(e) If an applicant has not passed both the theory and practical portions of the examination within three years from the date the applicant first took the examination, the applicant shall take a refresher course pursuant to N.J.A.C. 13:28-6.25 prior to being reexamined.

(f) An applicant shall take the examination within five years of completing his or her training.

1. If an applicant applies for examination, but has not taken the examination or has failed to appear for the examination for more than three years, but less than five years, from the date he or she completed training, the applicant shall take a refresher course pursuant to N.J.A.C. 13:28-6.25 prior to being examined.

2. An applicant shall not be permitted to take the examination if the applicant applies for examination more than five years from the date he or she completed training. Any such applicant shall be required to retake and complete the training program in full prior to being admitted to the examination.

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (c), inserted "applying" following "applicant" and deleted "by endorsement" following "hairstyling license"; in (d), added the N.J.A.C. reference.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Rewrote the introductory paragraph of (a); added (a)1; in (b), inserted the last two sentences; deleted former (c); recodified former (d) as (c); in (c), rewrote the first sentence and deleted the last sentence; and added new (d) through (f).

13:28-1.3 Temporary permits and student permits

(a) Upon the Board's acceptance of an application to sit for an examination, a temporary permit, which shall be valid for a period of 120 days, may be issued to an applicant.

(b) Upon application, the Board may issue a student permit to any student registered at a licensed New Jersey cosmetology and hairstyling school or enrolled in a New Jersey State approved high school or vocational program.

1. An application for a student permit shall be accompanied by the appropriate fee as set forth in N.J.A.C. 13:28-5.1 and a certification from the school that the student has completed the requisite hours of training, as set forth in N.J.S.A. 45:5B-3(r).

Amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (b)1, amended N.J.A.C. reference.

13:28-1.4 Application for license to teach or practice cosmetology and hairstyling by persons holding both a barber license and a beauty culture license

(a) Any person holding both a New Jersey State barber license and a New Jersey State beautician license may be issued a license to practice cosmetology and hairstyling upon notice to the Board and payment of the appropriate fee as set forth in N.J.A.C. 13:28-5.1.

(b) Any person holding both a New Jersey State barber license and a New Jersey State license to teach beauty culture may be issued a license to teach cosmetology and hairstyling upon application to the Board and payment of the appropriate fee as set forth in N.J.A.C. 13:28-5.1.

Amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (b), amended N.J.A.C. reference.

13:28-1.5 Lost licenses

(a) Licensees may secure a duplicate replacement license by appearing in person at the Board's office with the following:

1. Two forms of identification, one of which shall be a United States government-issued or State government-issued photo identification;

2. The required fee as set forth in N.J.A.C. 13:28-5.1; and

3. A notarized affidavit indicating the circumstances under which the license was lost or destroyed.

Amended by R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

Rewrote the section.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In (a)1, inserted "one of which shall be a United States government-issued or State government-issued photo identification".

13:28-1.6 Notification of change of address

(a) Licensees shall notify the Board in writing of any change from the address currently registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board no later than 30 days following the change of address.

(b) Failure to notify the Board of any change of address pursuant to (a) above may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).

(c) Service of an administrative complaint or other Board-initiated process at a licensee's address currently on file with the Board shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

New Rule, R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

13:28-1.7 Qualifications of teachers

(a) Each person desiring to teach in a school of cosmetology and hairstyling shall secure a license from the Board.

(b) Upon request, the Board shall provide each applicant for licensure as a teacher of cosmetology and hairstyling with an application on which information pertinent to the qualifications in (c) below shall be provided.

(c) To qualify as a candidate for licensure as a teacher of cosmetology and hairstyling, an applicant shall present satisfactory evidence to the Board that he or she:

1. Is of good moral character;

2. Is at least 18 years of age;

3. Does not have a communicable, contagious, or infectious disease which could reasonably be expected to be transmitted during the course of teaching cosmetology and hairstyling services;

4. Has completed high school or its equivalent;

5. Holds a cosmetology-hairstylist license issued by the Board;

6. Has successfully completed a teacher training course of 500 hours at a licensed school of cosmetology and hairstyling approved by the Board;

7. Has successfully completed a 30 hour teaching methods course conducted by a college approved by the New Jersey Commission of Higher Education and approved by the Board;

8. Has been employed for 30 hours per week for six consecutive months in a licensed shop; and

9. Has successfully completed the Board examination.

New Rule, R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (c), rewrote 3 and deleted "in New Jersey" in 8.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Rewrote (c)8.

SUBCHAPTER 2. SHOP LICENSES

13:28-2.1 Applications for initial shop license; changes to existing shops

(a) Applications for a shop license may be procured at the office of the Board.

(b) Where the application is for other than an individual proprietorship it must be accompanied by proof of the form of ownership of the shop. The following are deemed to be proof of the form of ownership:

1. Incorporation papers;
2. Partnership agreement; or
3. Any other document or affidavit which constitutes reliable proof of ownership.

(c) All applications for an initial shop license shall be accompanied by a floor plan that shall be drawn to scale and shall accurately detail the location and the total floor space for work stations, waiting areas, dispensary, shampoo stations, lavatories and, if applicable, laundry facilities. A copy of the original floor plan shall be maintained on the shop premises.

(d) The application for an initial shop license shall contain a complete description of all services to be provided and the proposed hours of operation for the shop. The holder of the shop license shall notify the Board in writing of any changes to the list of services and hours of operation provided upon application.

(e) The application for an initial shop license shall contain a statement of approval from the planning, zoning or construction official in the municipality where the shop is lo-

cated. If municipal approval is not required, the applicant shall submit a statement from the municipality to that effect.

(f) Upon receipt of an acceptable application and the requisite fee as provided in N.J.A.C. 13:28- 5.1, the Board shall conduct an inspection of the premises. No shop shall be permitted to operate until the Board has reviewed the inspection report and issues a shop license.

(g) The holder of a shop license who seeks to expand or make physical alterations to the shop, or who seeks to expand or make physical alterations to a shop as part of a transfer of ownership pursuant to N.J.A.C. 13:28-2.3, shall make application to the Board for approval of the expansion or physical alterations. The applicant shall submit an application fee as provided in N.J.A.C. 13:28-5.1, a detailed statement concerning the proposed changes, the original floor plan for the shop, the new floor plan for the shop and a statement of approval from the planning, zoning or construction official in the municipality where the shop is located. If municipal approval for the expansion or physical alterations is not required, the applicant shall submit a statement from the municipality to that effect.

Amended by R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

In (d), changed N.J.A.C. reference.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Section was "Applications". Rewrote (c); added new (d), (e) and (g); and recodified former (d) as (f).

13:28-2.2 Removal of a shop

(a) Prior to the removal of a shop to another address, the holder of a shop license shall apply to the Board for a new shop license and shall comply with the application requirements set forth in N.J.A.C. 13:28-2.1.

1. An acceptable application shall be received by the Board not less than three weeks prior to the intended opening date of the new shop.

2. The practice of cosmetology and hairstyling shall not be performed on the premises of the new shop until a shop license has been issued.

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (a), inserted "or her" following "his" in the introductory paragraph, and substituted "The" for "No", and substituted "shall not performed" for "shall be done" in 2.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Rewrote the introductory paragraph of (a).

13:28-2.3 Transfer of ownership

(a) Upon any transfer of ownership the holder of a shop license shall, by letter, notify the Board of the transfer, providing the name and address of the new owner. The shop license shall be surrendered to the Board as soon as the transfer of ownership is complete.

(b) Prior to the completion of a transfer of ownership, the intended new owner shall apply for a new shop license pursuant to N.J.A.C. 13:28-2.1, except as provided in (b)1 below. The practice of cosmetology and hairstyling shall not be performed on the premises of the shop until a new shop license has been issued.

1. If a transfer of ownership by a licensed shop results from the death or disability of a principal shareholder or partner in the business entity which holds the shop license, the shop may continue to operate for six months, pursuant to N.J.S.A. 45:5B-36, pending completion of the application process to obtain a new license.

Amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

Rewrote (b).

13:28-2.4 Renewal of shop license

(a) The holder of any shop license shall submit an application for renewal of that license prior to the expiration of the current license.

(b) The Board, in its discretion, may renew shop licenses within 90 days from the date of expiration.

(c) The Board will not renew a shop license if the application for renewal is submitted more than 90 days after the date of expiration. In such cases the shop owner shall be required to make application for an initial shop license pursuant to N.J.A.C. 13:28-2.1.

(d) Notwithstanding the Board's renewal or restoration of an expired license, the Board may initiate whatever penalty action it may deem appropriate for the operator of a shop without a valid license.

Amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

13:28-2.5 Physical requirements for cosmetology and hairstyling shops applying for initial shop license

(a) All licensed premises shall contain at least 350 square feet of floor space. An additional 50 square feet of floor space shall be provided for every work station in excess of two.

1. Each shop shall contain at least one lavatory. Lavatories shall include a toilet, hand washing facilities and a door.

2. All shops must contain the following:

i. At least one shampoo basin with hot and cold running water and a reclining chair;

ii. A designated area for cleaning and disinfecting implements and tools;

iii. One ultrasonic unit for cleaning metal implements and tools;

iv. A clean, closed receptacle at each work station that allows soiled implements and tools to be completely immersed in an enzyme solution prior to cleaning and disinfection;

v. A clean, closed receptacle for storage of sanitized implements and tools at each work station;

vi. A closed container for clean linens;

vii. A closed container for soiled linens;

viii. A closed waste container accessible to each work station;

ix. Hair drying facilities and/or hair drying equipment;

x. A dispensary or place where supplies are prepared and dispensed; and

xi. Such other equipment as is necessary to provide those services offered by the shop in a safe and sanitary manner.

(b) Shops shall display a permanent sign indicating the name of the shop, which shall be clearly visible to the general public from the exterior of the shop.

(c) Where application is made to issue a new shop license for premises that had been licensed by the former Board of Barber Examiners or the former Board of Beauty Culture Control, and the shop premises do not meet the minimum requirements of this section, the Board may, in its discretion, waive one or more of the requirements of this section for good cause shown. Such waiver will not be granted where the failure to meet minimum requirements may result in the inability of the shop owner to provide authorized services in a safe and sanitary manner.

Amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Recodified (b) and (c) to (a)1 and (a)2 and recodified (d) and (e) to (b) and (c).

Amended by R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

Petition for Rulemaking.

See: 30 N.J.R. 2091(a), 30 N.J.R. 3108(c).

Petition for Rulemaking.

See: 32 N.J.R. 1438(a).

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Section was "Physical requirements for cosmetology and hairstyling shops applying for initial shop license on or after December 4, 1985". Deleted former (a)2ii and (a)2iii; added new (a)2ii through (a)2v; recodified former (a)2iv and (a)2v as (a)2vi and (a)2vii; added new (a)2viii; recodified former (a)2vi through (a)2viii as (a)2ix through (a)2xi; and in (a)2ix, inserted "and/or hair drying equipment".

13:28-2.6 Physical requirements for manicuring shops applying for initial shop license

(a) In addition to meeting the requirements of N.J.A.C. 13:28-2.5(a), (a)1, (b) and (c), all manicuring shops shall contain the following:

1. At least one sink in the work area with hot and cold running water;
2. A designated area for cleaning and disinfecting implements and tools;
3. One ultrasonic unit for cleaning metal implements and tools;
4. A clean, closed receptacle at each work station that allows soiled implements and tools to be completely immersed in an enzyme solution prior to cleaning and disinfection;
5. A clean, closed receptacle for storage of sanitized implements and tools at each work station;
6. A closed container for clean linens;
7. A closed container for soiled linens;
8. A closed waste container for each work station;
9. A dispensary or place where supplies are prepared and dispensed; and
10. Such other equipment as is necessary to provide those services offered by the shop in a safe and sanitary manner.

(b) Each shop shall ensure that there is at least one experienced practicing licensee, as defined in N.J.S.A. 45:5B-11(a), (b) or (c), present to generally oversee the management of the shop.

(c) All licensed manicuring shops shall display the following notice in a location clearly visible to all patrons:

NOTICE

This shop and the operators herein are licensed to engage in the practice of manicuring and pedicuring and the temporary removal of hair by the State Board of Cosmetology and Hairstyling, an agency of the New Jersey Division of Consumer Affairs. Any member of the consuming public having a complaint concerning the manner in which this practice is conducted may notify the State Board of Cosmetology and Hairstyling or the New Jersey Division of Consumer Affairs, PO Box 45003, Newark, New Jersey 07101.

New Rule, R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Former N.J.A.C. 13:28-2.6, "Shops within residential premises", recodified to 13:28-2.7.

Petition for Rulemaking.

See: 30 N.J.R. 2091(a), 30 N.J.R. 3108(c).

Administrative correction.

See: 33 N.J.R. 3753(a).

Amended by R.2002 d.279, effective September 3, 2002.

See: 33 N.J.R. 3727(a), 34 N.J.R. 3094(a).

In (a), rewrote the introductory paragraph; in (b), substituted "45:5B-11(a), (b) or (c)" for "45:5B-11(a) or (b)".

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In the introductory paragraph of (a), deleted "the introductory paragraph in" following "requirements of" and substituted ", (a)1," for "and of N.J.A.C. 13:28-2.5(a)1,"; deleted former (a)2 and (a)3; added new (a)2 through (a)5; recodified former (a)4 and (a)5 as (a)6 and (a)7; added new (a)8; recodified former (a)6 and (a)7 as (a)9 and (a)10; and in the NOTICE in (c), inserted "and pedicuring and the temporary removal of hair".

13:28-2.6A Physical requirements for skin care specialty shops applying for initial shop license

(a) In addition to meeting the requirements of N.J.A.C. 13:28-2.5(a), (a)1, (b) and (c), all skin care specialty shops shall contain the following:

1. At least one sink in the work area with hot and cold running water;
2. A designated area for cleaning and disinfecting implements and tools;
3. One ultrasonic unit for cleaning metal implements and tools;
4. A clean, closed receptacle at each work station that allows soiled implements and tools to be completely immersed in an enzyme solution prior to cleaning and disinfection;
5. A clean, closed receptacle for storage of sanitized implements and tools at each work station;
6. A closed container for clean linens;
7. A closed container for soiled linens;
8. A closed waste container for each work station;
9. A dispensary or place where supplies are prepared and dispensed; and
10. Such other equipment as is necessary to provide those services offered by the shop in a safe and sanitary manner.

(b) Each skin care specialty shop shall ensure that there is at least one experienced practicing licensee, as defined in N.J.S.A. 45:5B-11(a), (b) or (d), present to generally oversee the management of the shop.

(c) All licensed skin care specialty shops shall display the following notice in a location clearly visible to all patrons:

NOTICE

This shop and the operators herein are licensed to provide skin care specialty services and the temporary removal of hair by the State Board of Cosmetology and Hairstyling, an agency of the New Jersey Division of Consumer Affairs. Any member of the consuming public having a complaint concerning the matter in which this practice is conducted may

notify the State Board of Cosmetology and Hairstyling or the New Jersey Division of Consumer Affairs, PO Box 45003, Newark, New Jersey 07101.

New Rule, R.2002 d.279, effective September 3, 2002.

See: 33 N.J.R. 3727(a), 34 N.J.R. 3094(a).

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In the introductory paragraph of (a), deleted "the introductory paragraph in" following "requirements of" and substituted "(a)1," for "and of N.J.A.C. 13:28-2.5(a)1,"; deleted former (a)2 and (a)3; added new (a)2 through (a)5; recodified former (a)4 and (a)5 as (a)6 and (a)7; added new (a)8; recodified former (a)6 and (a)7 as (a)9 and (a)10; and in the NOTICE in (c), inserted "and the temporary removal of hair".

13:28-2.7 Shops within residential premises

(a) No portion of any licensed shop shall be used as a portion of a private residence.

(b) Entrances to shops located within private residences must permit patrons to enter the shop directly, without requiring passage through any portion of the residence.

(c) No services encompassed within the definition of cosmetology and hairstyling services shall be rendered or offered to be rendered upon residential premises which are not licensed pursuant to N.J.S.A. 45:5B-9.

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Recodified from 13:28-2.6 and amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Former N.J.A.C. 13:28-2.7, "Leasing space prohibited", recodified to 13:28-2.8.

13:28-2.7A Limitation of business activities within shops

(a) The holder of a cosmetology and hairstyling shop license shall not engage in any business activities within the licensed premises except for the offering of cosmetology and hairstyling services as defined in N.J.S.A. 45:5B-3(j), the sale of merchandise pursuant to N.J.S.A. 45:5B-37 and N.J.A.C. 13:28-2.9 and the offering of ancillary beautification services pursuant to N.J.S.A. 45:5B-37 and N.J.A.C. 13:28-2.10.

(b) The holder of a skin care specialty shop license shall not engage in any business activities within the licensed premises except for the offering of skin care specialty services as defined in N.J.S.A. 45:5B-3(y), the sale of merchandise pursuant to N.J.S.A. 45:5B-37 and N.J.A.C. 13:28-2.9 and the offering of ancillary beautification services pursuant to N.J.S.A. 45:5B-37 and N.J.A.C. 13:28-2.10.

(c) The holder of a manicuring shop license shall not engage in any business activities within the licensed premises except for the offering of manicuring services as defined in N.J.S.A. 45:5B-3(l) and the sale of merchandise pursuant to N.J.S.A. 45:5B-37 and N.J.A.C. 13:28-2.9.

New Rule, R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

13:28-2.8 Leasing space prohibited

No holder of a shop license shall lease or sublease space or provide space on the licensed premises to a non-employee for the purpose of providing cosmetology and hairstyling services or ancillary services as part of a separate business to be conducted by the non-employee. Practices commonly known as chair rentals or booth rentals are prohibited by this section.

Recodified from 13:28-2.7 by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Former N.J.A.C. 13:28-2.8, "Sale of merchandise", recodified to 13:28-2.9.

13:28-2.9 Sale of merchandise

The holder of a shop license may permit the sale of merchandise within licensed premises, provided that space allocated for such sales is in addition to the space required by N.J.A.C. 13:28-2.5, 2.6, or 2.6A.

Recodified from 13:28-2.8 by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Former N.J.A.C. 13:28-2.9, "Ancillary services", recodified to 13:28-2.10.

Amended by R.2002 d.279, effective September 3, 2002.

See: 33 N.J.R. 3727(a), 34 N.J.R. 3094(a).

Amended the N.J.A.C. references.

13:28-2.10 Ancillary services in licensed cosmetology and hairstyling and skin care specialty shops

(a) The holder of a cosmetology and hairstyling shop license and the holder of a skin care specialty shop license, may offer ancillary services related to the beautification of the body or the enhancement of personal appearance, but not included in the definition of cosmetology and hairstyling, as set forth at N.J.S.A. 45:5B-3(j), on the licensed premises, consistent with the provisions of this section, provided that these services are performed in a safe and sanitary manner by personnel who are adequately trained to render such services, and that the space allocated for such services is in addition to the space required by N.J.A.C. 13:28-2.5 and 2.6A.

(b) If electrolysis for the removal of superfluous hair is offered, it must be performed by an electrologist who has been licensed by the Electrologists Advisory Committee pursuant to N.J.A.C. 13:35-12.

(c) If tanning booths or tanning beds are utilized, they must be operated consistent with Department of Health and Senior Services rules set forth at N.J.A.C. 8:28.

(d) If massage services, which do not fall within the definition of cosmetology and hairstyling set forth in N.J.S.A. 45:5B-3(j), are offered, such services shall be performed by a massage therapist who has been certified by the Massage, Bodywork and Somatic Therapy Examining Committee pursuant to N.J.A.C. 13:37-16 or has completed a course or program that meets the requirements set forth at N.J.A.C. 13:37-16.4.

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Recodified from 13:28-2.9 and amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Former N.J.A.C. 13:28-2.10, "Posting of licenses and required notices", recodified to 13:28-2.12.

Amended by R.2002 d.273, effective August 19, 2002.

See: 33 N.J.R. 2593(a), 34 N.J.R. 3007(a).

Added (e).

Amended by R.2002 d.279, effective September 3, 2002.

See: 33 N.J.R. 3727(a), 34 N.J.R. 3094(a).

In (a), inserted "or a skin care specialty shop license" following "a manicuring shop license".

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Section was "Ancillary services". In (a), inserted "cosmetology and hairstyling", "as set forth at N.J.S.A. 45:5B-3(j)", "consistent with the provisions of this section," and "and 2.6A", and substituted "and the holder of" for "other than a manicuring shop license or"; rewrote (b) and the introductory paragraph of (c); deleted former (c)1, (d) and (e); and added new (d).

13:28-2.11 No ancillary services at licensed manicuring shops

(a) The holder of a manicuring shop license shall not offer on the licensed premises any ancillary services related to the beautification of the body or the enhancement of personal appearance except for the following practices enumerated in the definition of manicuring, set forth at N.J.S.A. 45:5B-3(l):

1. Manicuring the fingernails;
2. Nail-sculpturing;
3. Pedicuring the toenails; or
4. Removing superfluous hair from the face, neck, arms, legs or abdomen by the use of depilatories, waxing or tweezing, but not by the use of electrolysis.

New Rule, R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Former N.J.A.C. 13:28-2.11, "Supervision of shops and absence of experienced practicing licensee", recodified to 13:28-2.13.

Amended by R.2002 d.279, effective September 3, 2002.

See: 33 N.J.R. 3727(a), 34 N.J.R. 3094(a).

Rewrote the section.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Section was "No ancillary services at licensed manicuring shops or licensed skin care specialty shops". Rewrote the introductory paragraph of (a); and deleted (b).

13:28-2.12 Posting of licenses and required notices

(a) All shops shall display the following in a location clearly visible to all patrons:

1. The shop license;
2. Signed licenses for all practitioners rendering services within the shop. Each license shall contain a current picture of the licensee. A licensee's wallet identification card issued by the Board shall not be used to satisfy the requirements of this section; and

3. A listing of all services performed and the charges for each service.

(b) All licensed shops other than manicuring shops and skin care specialty shops shall display the following notice:

NOTICE

This shop and the operators herein are licensed to engage in the practice of cosmetology and hairstyling by the State of New Jersey Division of Consumer Affairs. Any member of the consuming public having a complaint concerning the manner in which this practice is conducted may notify the State Board of Cosmetology and Hairstyling at 124 Halsey Street, Newark, New Jersey 07102, or the New Jersey Division of Consumer Affairs, Post Office Box 45003, Newark, New Jersey 07101.

Administrative Change to (a)4.

See: 25 N.J.R. 1516(b).

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Recodified from 13:28-2.10 and amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Added (b).

Amended by R.2002 d.279, effective September 3, 2002.

See: 33 N.J.R. 3727(a), 34 N.J.R. 3094(a).

In (b), inserted "and skin care specialty shops" following "manicuring shops".

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (a)2, added the last sentence.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In (a)2, substituted "Signed licenses" for "Licenses".

13:28-2.13 Supervision of shops and absence of experienced practicing licensee

(a) Each cosmetology and hairstyling shop shall designate one experienced practicing licensee who shall be present to generally oversee the management of the shop. The experienced practicing licensee shall hold a beautician, barber or cosmetologist-hairstylist license and have three years of experience as a beautician, barber or cosmetologist. The name of the designated experienced practicing licensee shall be posted in a location clearly visible to all patrons.

(b) Each manicuring shop shall designate one experienced practicing licensee who shall be present to generally oversee the management of the shop. The experienced practicing licensee shall hold a beautician, barber, cosmetology-hairstylist or manicuring license and have three years of experience as a beautician, barber, cosmetologist or manicurist. The name of the designated experienced practicing licensee shall be posted in a location clearly visible to all patrons.

(c) Each skin care specialty shop shall designate one experienced practicing licensee who shall be present to generally oversee the management of the shop. The experienced practicing licensee shall hold a beautician, barber, cosmetology-hairstylist or skin care specialty license and have three years of experience as a beautician, barber, cos-

metologist or skin care specialist. The name of the designated experienced practicing licensee shall be posted in a location clearly visible to all patrons.

(d) A shop which satisfies the requirements of (a) above by employing a practicing licensee who holds a barber license shall be prohibited from employing senior students unless the shop employs a practicing licensee who holds a license as a beautician or a cosmetologist-hairstylist and has at least three years of experience as a beautician or a cosmetologist-hairstylist, who shall supervise the rendering of cosmetological services by the senior students.

(e) A practitioner may be designated as the experienced practicing licensee for one shop only.

(f) When the shop's designated experienced practicing licensee is absent from the shop, the shop owner shall ensure that another practitioner who has three years of experience and who satisfies the requirements of this section is physically present to manage the shop. The name of the practitioner who will be managing the shop during the designated experienced practicing licensee's absence, shall be posted in a location clearly visible to all patrons.

Recodified from 13:28-2.11 and amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Amended so that a beautician or cosmetologist-hairstylist licensee issued a manager-operator license no longer qualifies as an experienced practicing licensee.

Amended by R.2002 d.279, effective September 3, 2002.

See: 33 N.J.R. 3727(a), 34 N.J.R. 3094(a).

In (a), inserted "cosmetology and hairstyling" preceding "shop shall ensure"; added new (b) and (c); recodified former (b) through (d) as (d) through (f).

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In (a), (b), and (c), substituted "designate" for "ensure that there is at least", and inserted "who shall be" and the last sentence; and rewrote (e) and (f).

13:28-2.14 Unlicensed personnel

(a) The holder of a shop license shall not aid, abet, or permit a person not licensed by the Board to render any services encompassed within the definition of cosmetology and hairstyling pursuant to N.J.S.A. 45:5B-1 et seq.

(b) Violation of the provisions set forth in this section shall constitute an unlawful practice by a shop owner pursuant to N.J.S.A. 45:5B-13(d).

New Rule, R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

13:28-2.15 Prohibited practices

(a) A practitioner shall not engage in any conduct set forth in this section. A practitioner who engages in such conduct shall be deemed to be engaged in unlawful practice pursuant to N.J.S.A. 45:5B-13(e) and may be subject to penalty. A holder of a shop license at which such unlawful practices occur shall be deemed to have engaged in unlawful practice

pursuant to N.J.S.A. 45:5B-13(e) and may be subject to penalty if he or she aids, abets, or permits a practitioner to engage in any conduct prohibited by this section.

(b) A practitioner shall not:

1. Use or offer to use a credo blade, skin scraper, lancet, or other comparable implement;

2. Perform or offer to perform massaging, cleansing or stimulating of the skin, with or without cosmetic preparations, by hand, mechanical or electrical appliances, below the stratum corneum, thereby affecting the living cells of the epidermis;

3. Perform or offer to perform eyebrow and/or eyelash tinting;

4. (Reserved)

5. Perform or offer to perform ear candle services.

i. For the purpose of this paragraph, "ear candle services" means placing a manufactured or homemade funnel type candle or any device in the ear for the purpose of cleansing and/or treatment of the ear or inner ear canal;

6. Perform or offer to perform any service that claims to cure or remedy any disease or illness;

7. Perform or offer to perform any service that has been determined by the New Jersey State Board of Medical Examiners to be a medical service. Such services shall include laser hair removal and injections of Botox®, Restylane® or other similar medications for purposes of skin enhancement or collagen production;

8. Utilize any medical device to perform services within the definition of cosmetology and hairstyling, manicuring or skin care specialty, other than Class I medical devices approved by the Federal Food and Drug Administration. A practitioner shall comply with manufacturers' instructions for use, cleaning and maintenance of Class I medical devices;

9. Perform or offer to perform the removal of skin tags;

10. Perform or offer to perform teeth whitening or other services related to the beautification of the teeth;

11. Perform or offer to perform permanent cosmetic applications, such as tattooing and permanent make-up; or

12. Perform or offer to perform body piercing.

i. For purposes of this paragraph, "body piercing" means puncturing or penetrating any part of a person's body with a needle or other implement for the purpose of inserting jewelry or another object into the body except for piercing of the ear lobe using only a pre-sterilized single use stud and clasp ear piercing system following manufacturer's instructions.

New Rule, R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

Added (d) through (f).

Repeal and New Rule, R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Section was "Prohibited practices".

SUBCHAPTER 3. SAFETY AND SANITATION

13:28-3.1 Premises

(a) All licensed shops, including lavatories therein, shall be properly lighted and ventilated.

(b) All shops licensed after May 18, 2009, and all shops applying after May 18, 2009, for remodeling with a new configuration, shall be ventilated consistent with the requirements set forth in N.J.A.C. 5:23, the New Jersey Uniform Construction Code, and shall have a minimum of 70 foot candles of artificial light.

(c) All licensed shops shall have hot and cold potable water, consistent with the requirements set forth in N.J.A.C. 5:23, the New Jersey Uniform Construction Code.

(d) All licensed shops shall dispose of waste in clean, covered containers in a manner, which shall not pose a public health hazard.

(e) All shops licensed after May 18, 2009, and all shops applying after May 18, 2009, for remodeling with a new configuration, that contain laundry facilities shall ensure that the laundry facilities are separate from the shop work area and not in the lavatory. All laundry facilities shall be properly ventilated and lint free.

(f) All licensed shops and the furniture, fixtures, equipment, supply cabinets and drawers therein shall be maintained in a sanitary manner and in good repair.

(g) All floors in the licensed shop shall be thoroughly cleaned daily and shall be maintained in good repair.

(h) All linens and toweling used within a licensed shop shall be laundered and sanitized using agents that reduce the risk of microbial contamination, such as bleach, before each and every direct contact with a patron. In lieu of laundered and sanitized linens, disposable toweling may be used.

(i) All tools, implements and electrical appliances used within a licensed shop shall be maintained in a sanitary and safe manner. Tools and utensils applied directly to patrons shall be thoroughly cleaned and sanitized after each and every use in accordance with the provisions of N.J.A.C. 13:28-3.2.

(j) Smoking shall be prohibited in all areas of licensed shops pursuant to the New Jersey Smoke-Free Air Act,

N.J.S.A. 26:3d-55, and the Smoke Free Air Rules, N.J.A.C. 8:6.

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Added new (b), (c), (g) and (j); recodified former (b) and (c) as (c) and (d); rewrote (c); in (d), substituted "waste in clean, covered containers in" for "wastes in" and inserted a comma following "manner"; recodified former (d) as new (f); in (f), substituted a comma for "and" following "equipment"; inserted "and drawers" and deleted the last sentence; recodified former (e) and (f) as (h) and (i); and in (h), inserted "using agents that reduce the risk of microbial contamination, such as bleach,".

13:28-3.2 Sanitizing implements and tools

(a) A licensee shall sanitize all implements and tools by:

1. Cleaning all implements and tools thoroughly with a mild alkaline detergent to remove any soil, blood or any other foreign material;

2. Rinsing all implements and tools with tap water after cleaning;

3. Processing all implements and tools with a chemical disinfectant registered by the Environmental Protection Agency and labeled as being tuberculocidal for a contact time as specified on the product label or processing all implements and tools in an autoclave that is registered with the Federal Food and Drug Administration;

4. Following a manufacturer's instructions when using chemical disinfectant; and

5. Allowing disinfected implements and tools to be air dried and storing them in a clean drawer.

(b) All reusable implements and tools, used in the provision of manicuring services shall be sanitized, consistent with the following:

1. An enzyme pre-soak shall be used prior to cleaning;

2. The implement shall be placed directly into an ultrasonic unit for a 10-minute cycle, or as recommended by the manufacturer.

- i. The water and cleaning solution of the ultrasonic unit shall be changed whenever visibly soiled or, at a minimum, daily.

- ii. The chamber of the ultrasonic unit shall be disinfected at the end of each day with 70 percent isopropyl alcohol.

- iii. Each time the chamber of the ultrasonic unit is filled with water, it shall be degassed to remove any air bubbles caused by the turbulence of the tank filling. The degassing process shall run a cycle of five to 10 minutes, based upon manufacturers' recommendations;

3. The implement shall be inspected for pitting and rust, and damaged implements and tools shall be removed from use;

4. The implement shall be rinsed, dried and placed directly into a chemical disinfectant registered by the Environmental Protection Agency and labeled as being tuberculocidal for a contact time as specified on the product label or into an autoclave that is registered with the Federal Food and Drug Administration; and

5. The implement shall be rinsed, dried and stored in a clean drawer.

(c) All shops offering pedicuring services shall ensure that pedicure tubs are cleaned consistent with the following:

1. Cleaning procedures between clients shall include:

i. Brushing the interior surfaces of the tub with a mild detergent to remove surface debris and residual salts and oils;

ii. Draining, rinsing and wiping the tub dry with a disposable paper towel; and

iii. Spraying the interior surfaces with a chemical disinfectant registered by the Environmental Protection Agency and labeled as being tuberculocidal for a contact time as specified on the product label, or applying a bleach wipe at a 6% concentration of sodium hypochlorite for a two and half minute contact time;

2. Cleaning procedures at the end of the day shall include:

i. Removing, cleaning and disinfecting the screen, filter and any removable parts within the basin;

ii. Brushing the interior surfaces of the tub with a mild detergent;

iii. Preparing a solution of sodium hypochlorite 6% (bleach) and water at a concentration of 100 parts per million (PPM) (1 teaspoon of bleach to one gallon of water) and allowing the machine to operate for a 30-minute contact time; and

iv. Disinfecting all brushes at the end of the day by soaking them in a solution of sodium hypochlorite 6% (bleach) and water at a concentration of 2,600 PPM (3/4 cup of bleach to one gallon of water) for a 30-minute contact time; and

3. A disinfection log shall be established to record end of the day disinfection of each pedicuring tub. The log shall include, at a minimum, the date, tub number and name of the person disinfecting the equipment. The log shall be posted in a location clearly visible to all patrons.

(d) All shops offering pedicuring services shall, by November 18, 2009, ensure that a .2 micron filter is installed on the incoming water line used to fill pedicure tubs. The date

of installation shall be marked on the filter and shall be changed according to the manufacturers' recommendations.

(e) A licensee shall discard after each use all emery boards, orangewood sticks, and all implements and tools that cannot be sanitized.

New Rule, R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Old section "Personnel", recodified to 3.3.

Petition for Rulemaking.

See: 30 N.J.R. 4294(a), 31 N.J.R. 186(a).

Petition for Rulemaking.

See: 31 N.J.R. 1216(a), 31 N.J.R. 1643(a).

Amended by R.2001 d.333, effective September 17, 2001.

See: 33 N.J.R. 365(a), 33 N.J.R. 3335(a).

In (a), rewrote 3.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In (a)1, (a)2 and (a)3, substituted "implements and tools" for "instruments"; in (a)3, substituted "for a contact time as specified on the product label or processing all implements and tools in an autoclave that is registered with the Federal Food and Drug Administration" for "or effective against the Human Immunodeficiency Virus (HIV) and the Hepatitis B Virus (HBV) when used at a recommended dilution"; rewrote (a)5; added new (b) through (d); recodified former (b) as (e); and in (e), inserted ", orangewood sticks, and all implements and tools".

13:28-3.3 Personnel

(a) All practitioners shall wash their hands or use waterless hand washing agents before and after serving each patron, before and after eating, after handling chemicals and after using the bathroom.

(b) All practitioners shall be attired in clean outer garments.

(c) No practitioner shall serve a patron if the practitioner has a communicable, contagious or infectious disease, which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling services.

(d) No practitioner shall serve a patron whom the practitioner knows or has reasonable grounds to believe has a communicable, contagious or infectious disease, which could reasonably be expected to be transmitted during the course of rendering cosmetology and hairstyling services.

(e) All practitioners shall utilize safe practice techniques and follow manufacturers' instructions when utilizing any chemical preparations in the rendering of cosmetology and hairstyling services. The holder of a shop license shall ensure that:

1. Manufacturers written recommendations for use are readily available to all practitioners;

2. A copy of the most current Material Data Safety Sheet (MDSS) for each hazardous chemical is stored in a binder and available to all shop staff and to the Board or its authorized representative;

3. All containers shall be labeled so that shop staff can easily identify the contents; and

4. Disposal of liquid waste is performed in accordance with the instructions on the product label or the MSDS.

Recodified and amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In (a), inserted "or use waterless hand washing agents" and " , before and after eating, after handling chemicals and after using the bathroom"; in (c) and (d), inserted " , contagious or infectious" and inserted a comma following "disease"; in the introductory paragraph of (e), inserted the last sentence; added (e)1 through (e)4; and deleted (f).

13:28-3.4 Prohibited products

(a) No licensee, licensed premise or school of cosmetology and hairstyling shall utilize any product that contains methyl methacrylate monomer.

(b) A licensee, licensed premises or school of cosmetology and hairstyling shall utilize cosmetics that comply with the Department of Health and Senior Services requirements set forth at N.J.S.A. 24:1-1 and N.J.A.C. 8:21-1.2 and 1.5.

(c) Any violations of the provisions of this section shall constitute a deviation from the normal standards of practice required of a licensee, licensed premise or school of cosmetology and hairstyling, and shall subject a licensee, licensed premise or school of cosmetology and hairstyling to the penalties of N.J.S.A. 45:1-25.

New Rule, R.2001 d.333, effective September 17, 2001.

See: 33 N.J.R. 365(a), 33 N.J.R. 3335(a).

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Added new (b); and recodified former (b) as (c).

13:28-3.5 Manicure and pedicuring services

(a) A licensee or a licensed shop offering manicuring and pedicuring services shall comply with the following requirements:

1. A licensee shall not cover a nail with nail polish, base coat, top coat or any nail overlay if the nail shows any sign of infection, physical damage or trauma;

2. A licensee shall remove the entire artificial nail if the nail has become loose;

3. All waste generated from applying acrylic nails shall be deposited directly into a covered waste container at each work station; and

4. Written after care instructions shall be provided to all clients receiving acrylic nails.

New Rule, R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

13:28-3.6 Animals and pets prohibited

The holder of a shop license shall not permit any animals or pets in the licensed premises. This prohibition shall not

apply to trained guide dogs (or dogs in training) for the disabled, sightless or hearing impaired, consistent with the requirements of the Law Against Discrimination, N.J.S.A. 10:5-29.

New Rule, R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

SUBCHAPTER 4. ENFORCEMENT

13:28-4.1 Inspection of premises

(a) Any premises where it appears that cosmetology and hairstyling services, including manicuring and skin care specialty services, have been or are being rendered shall be subject to inspection by the Board or its representative.

(b) All documents maintained pursuant to this chapter shall be available for immediate inspection and photocopying by the Board or its authorized representative.

(c) The Board or its authorized representative may photograph any person rendering services present during an inspection conducted pursuant to this subchapter.

(d) At the time of any inspection conducted pursuant to this subchapter, the Board or its authorized representative may serve a Notice of Violation and Notice to Appear Before the Board upon the shop owner(s), the experienced practicing licensee(s) in charge of the shop, and any individual observed to be engaging in conduct in violation of pertinent statutes and rules.

Amended by R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

Rewrote the section.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In (a), inserted " , including manicuring and skin care specialty services,".

13:28-4.2 Compliance with laws and rules

Any individual rendering cosmetology and hairstyling services, including manicuring and skin care specialty services, shall comply with all laws and rules relating to the provision of such services including the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq.; the rules of the New Jersey State Board of Cosmetology and Hairstyling, N.J.A.C. 13:28; the Uniform Enforcement Act, N.J.S.A. 45:1-7.1, 7.2, 7.3, and 14 et seq.; and the uniform rules of the Division of Consumer Affairs, N.J.A.C. 13:45C.

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

Rewrote the section.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Inserted " , including manicuring and skin care specialty services," , "and" preceding "14", and a semicolon following the second occurrence of "et seq."; substituted "such" for "cosmetology and hairstyling"; and a semicolon for a comma following the first occurrence of "et seq." and

preceding "the Uniform", substituted the third occurrence of "rules" for "regulations", and deleted a comma following the second occurrence of "including".

13:28-4.3 Responsibility for compliance with laws and rules

The holder of a shop license, as well as the shop's designated experienced practicing licensee, shall be responsible for compliance with all laws and rules relating to the operation of the premises at which cosmetology and hairstyling, manicuring or skin care specialty services are rendered and all laws and rules relating to the practice of such services including the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq.; the rules of the New Jersey State Board of Cosmetology and Hairstyling, N.J.A.C. 13:28; the Uniform Enforcement Act, N.J.S.A. 45:1-7.1, 7.2, 7.3, and 14 et seq.; and the uniform rules of the Division of Consumer Affairs, N.J.A.C. 13:45C.

Amended by R.2003 d.458, effective December 1, 2003.
See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

Rewrote the section.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Substituted "designated experienced practicing licensee" for "supervisor", "practice of such services" for "practice of cosmetology and hairstyling", a semicolon for a comma following "et seq." twice, and the fourth occurrence of "rules" for "regulations", inserted ", manicuring or skin care specialty" and "and" preceding "14 et seq.", and deleted a comma following "including".

13:28-4.4 Verification of licensure

(a) The holder of a shop license and the designated experienced practicing licensee shall verify that each practitioner rendering cosmetology and hairstyling, manicuring or skin care specialty services in the shop holds a valid license or permit issued pursuant to this subchapter at all times. The holder of a shop license and the designated experienced practicing licensee shall review each practitioner's license or permit, as well as two additional forms of identification, at least one of which must bear a photograph of the practitioner.

(b) The holder of a shop license and the designated experienced practicing licensee shall record each occasion upon which he or she verifies licensure or permit status pursuant to (a) above. The record shall include the following information:

1. The date of verification attempt;
2. The identification of each practitioner;
3. The license or permit number; and
4. Photocopies of identification reviewed for verification purposes.

(c) The holder of a shop license and the designated experienced practicing licensee shall have the documentation maintained pursuant to (b) above immediately available for inspection on the licensed premises upon request of the Board or its authorized representative.

(d) The holder of a shop license shall maintain the documentation pursuant to (b) above for at least two years from the date of each record. Such documentation shall be maintained in a safe and secure location on the premises, in a manner that ensures the confidentiality of a practitioner's personal information.

(e) Violation of the provisions set forth in this section shall constitute the aiding, abetting or permitting of unlicensed practice pursuant to N.J.A.C. 13:28-2.14 and N.J.S.A. 45:5B-13(d).

New Rule, R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Inserted "and the designated experienced practicing licensee" throughout; in (a), inserted ", manicuring or skin care specialty"; and in (d), inserted the last sentence.

13:28-4.5 Record of practitioners

(a) The holder of a shop license shall at all times maintain a record of all practitioners rendering services within the shop that contains the following information for each practitioner:

1. Full name and any aliases;
2. Current street address, including apartment number, if applicable;
3. Telephone number;
4. Social security number; and
5. Date upon which practitioner commenced services.

(b) The holder of a shop license and the designated experienced practicing licensee shall have the documentation maintained pursuant to (a) above immediately available for inspection on the licensed premises upon request of the Board or its authorized representative.

(c) The holder of a shop license shall maintain the documentation pursuant to (a) above for at least two years from the date upon which each practitioner terminated services. Such documentation shall be maintained in a safe and secure location on the premises, in a manner that ensures the confidentiality of a practitioner's personal information.

New Rule, R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In the introductory paragraph of (a), substituted "that" for "which"; rewrote (a)2; in (b), inserted "and the designated experienced practicing licensee"; and in (c), inserted the last sentence.

13:28-4.6 Grounds for suspension or revocation of license

The Board may suspend and/or revoke the license of any practitioner or shop for engaging in any of the conduct set forth in N.J.S.A. 45:1-21.

New Rule, R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

SUBCHAPTER 5. FEES

13:28-5.1 Fee schedule

(a) The following fees will be charged by the Board:

1. Student permit	\$ 5.00
2. Student registration card	5.00
3. Temporary permit	20.00
4. Examination fee (includes application fee)	50.00
5. Initial license fee (individual)	
i. If paid during the first year of a renewal cycle	60.00
ii. If paid during the second year of a renewal cycle	30.00
6. Biennial license renewal (individual)	\$60.00
i. Inactive renewal status (Fee to be determined by the Director)	
7. Shop license application fee (includes shop inspection fee)	150.00
8. Initial license fee (shop)	
i. If paid during the first year of a renewal cycle	130.00
ii. If paid during the second year of a renewal cycle	65.00
9. Biennial license renewal (shop)	130.00
10. School license application fee (includes school inspection fee)	250.00
11. Initial license fee (school)	
i. If paid during the first year of a renewal cycle	300.00
ii. If paid during the second year of a renewal cycle	150.00
12. Biennial license renewal (school)	300.00
13. Annex classroom application fee (if not submitted with school application)	250.00
14. Initial license fee (annex classroom)	
i. If paid during the first year of a renewal cycle	300.00
ii. If paid during the second year of a renewal cycle	150.00
15. Biennial license renewal (annex classroom)	300.00
16. Endorsement (plus license fee)	100.00
17. Late fee	30.00
18. Reinstatement fee	50.00
19. Duplicate license	50.00
20. Change of name or corporate status	50.00
21. Verification of license	25.00

Amended by R.1992 d.444, effective November 2, 1992.
See: 24 N.J.R. 2333(a), 24 N.J.R. 4057(a).

Added (a)17 and 18.

Repeal and New Rule, R.1994 d.415, effective August 1, 1994.
See: 26 N.J.R. 1947(a), 26 N.J.R. 3181(a).

Amended by R.1996 d.329, effective July 15, 1996.

See: 28 N.J.R. 1342(a), 28 N.J.R. 3598(a).

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (a), added 6i, deleted "up to 180 days" in 17, and substituted "Reinstatement" for "Restoration" in 18.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In (a)19, updated the fee amount from "30.00" to "50.00"; and added (a)20 and (a)21.

SUBCHAPTER 6. SCHOOLS OF COSMETOLOGY AND HAIRSTYLING

13:28-6.1 Compliance with laws and rules

Licensed schools shall comply with all laws and rules relating to the practice of cosmetology and hairstyling, including the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq., the rules of the New Jersey State Board of Cosmetology and Hairstyling, N.J.A.C. 13:28; the Uniform Enforcement Act, N.J.S.A. 45:1-7.1, 7.2, 7.3, 14 et seq. and the uniform regulations of the Division of Consumer Affairs, N.J.A.C. 13:45C. Any school violating any provision of this chapter shall be subject to disciplinary action by the Board. A notice of proposed suspension or revocation of a license shall inform the licensee of the right to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

Amended by R.2003 d.458, effective December 1, 2003.
See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

Rewrote the section.

13:28-6.2 Application procedure for school licenses

(a) When a request is received by the Board for information regarding initial licensure of a school, an application, bond forms, a school bulletin and an evaluation criteria work sheet will be forwarded to the individual requesting the information along with a copy of the school rules and regulations.

(b) Upon receipt of a completed application the School Committee shall review the application. A complete application shall include: a school bond; school bulletin; a certificate of incorporation or partnership agreement where applicable; personnel data form(s); floor plan; employment contract (one year minimum) with the supervising teacher; hour by hour breakdown of the course; a sample enrollment agreement (contract); sample certificate of completion; sample advertisements; certified-audited financial data; and the required licensing fee as set forth in N.J.A.C. 13:28-5.1.

(c) Upon approval of the initial application by the School Committee, the prospective owner(s) and the supervising teacher shall appear before the full Board for an interview. Upon completion of the interview, the Board will approve or disapprove the application.

1. If the application is approved, approval will be granted subject to the completion of a satisfactory school inspection and satisfaction of all minimum square footage and equipment requirements as set forth in N.J.A.C. 13:28-6.7(a) and 13:28-6.20(b).

(d) Upon approval of the initial application for school licensure and satisfactory completion of the school inspection, an initial cosmetology and hairstyling school license shall be issued for the current registration period.

Amended by R.1993 d.287, effective June 7, 1993.
See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

13:28-6.3 Student registration

Students shall not be registered at a school until such time as that school has been licensed.

13:28-6.4 Name of school; advertisements; signs

(a) School advertisements shall set forth the name and address of the school as it appears on the license for that school.

(b) False or misleading statements in school advertisements or any statement appearing in school advertisements endeavoring to influence the public to enroll in the school through the use of the name "State Board of Cosmetology and Hairstyling", other than advertising that the school is licensed and governed by the rules of the Board, are prohibited.

(c) Each school shall display, at the main entrance, a sign indicating that the establishment is a school of cosmetology and hairstyling.

(d) A private school of cosmetology and hairstyling should exercise great care in the selection of the name of the school.

1. No new or modified school name shall infringe on the name of another existing school.

2. No school, proposed or previously licensed, shall adopt any title or name commonly accepted as descriptive of collegiate or university institutions.

3. No new or modified school name shall contain any word or phrase referencing a political subdivision, geographical area, the State of New Jersey, county of location, or municipality closely associated with the location of the school.

Amended by R.1996 d.584, effective December 16, 1996.
See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).
Recodified (e) and (f) to (d)2 and (d)3.

13:28-6.5 School shops

Schools of cosmetology and hairstyling are prohibited from operating shops in conjunction with, or as a part of, the school administration.

13:28-6.6 Separate entrance for shop located on school premises

Where any person, organization, corporation, association or partnership has any interest in both a licensed school and a licensed shop and both operations are conducted on the same premises the licensed school and the licensed shop shall have separate and distinct entrances.

13:28-6.7 Size of schools; number of students

(a) Each school shall have at least 2,750 square feet of floor space, consisting of at least 500 square feet for offices, reception area and locker space separate and apart from the lavatories, and at least 2,250 square feet for working space.

1. The total number of students in the first 2,250 square feet of working space is limited to 100 students.

2. For every student thereafter there shall be 20 square feet of floor space per cosmetology and hairstyling or manicuring student, but there shall be 25 square feet of floor space per skin care specialty student.

(b) The Board may conduct inspections at any time to determine the maximum number of students that any school may have in attendance. In determining this maximum number, the Board shall apply the formula set forth in (a) above.

(c) No school shall be permitted under any circumstances to have in attendance any student beyond the maximum number approved.

Amended by R.1996 d.584, effective December 16, 1996.
See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

In (a), increased square footage requirements.
Amended by R.1998 d.285, effective June 1, 1998.
See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

13:28-6.8 Student registration cards

(a) A request shall be submitted by the school to the Board for a student registration card.

1. This request shall be submitted on application forms to be provided by the Board. The application shall contain a declaration of the student's assigned class schedule as approved by the school director. Any change of the student's assigned class schedule shall be reported to the Board in writing.

2. Upon completion of the form in (a)1 above, the form shall be returned to the Board together with a photograph for each student, measuring 1 1/2 inches by 1 3/4 inches, and proof of the student's legal name, date of birth and the required fee.

(b) A student registration card is valid from the date of issue until the particular student's education is completed in the course in which the student is enrolled, as long as the student is not absent from school for a period of more than three months.

1. In instances where absences exceed three months, the student shall be dropped from the school's time sheets and must obtain a new registration card, pursuant to N.J.A.C. 13:28-6.21(n), in order to resume training.

(c) The school shall submit applications for student registration cards at least two weeks in advance of the authorized monthly starting date.

1. In instances where this is not possible and a registration card is not received prior to the monthly starting date, a school may allow a student to attend classes, provided that an application for a student registration card has been submitted to the Board office on or before the authorized monthly starting date. No student shall be permitted to continue to attend classes in this manner for more than 30 days. If, for any reason, the student registration card is not issued during that period, the student's training shall be discontinued until a registration card is issued.

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (a), deleted 3.

13:28-6.9 Non-English speaking student enrollment

(a) A licensed school shall evaluate each non-English speaking student to determine whether such student is likely to succeed in the intended course of study. Upon such determination being made, the school may enroll the non-English speaking student. The school shall submit documentation to the Board certifying that the school has evaluated a prospective non-English speaking student and has determined that the student is proficient in reading and writing the language in which the examination will be administered to that student.

(b) The Board approved enrollment agreement and application for student registration must specify the language in which the course will be offered.

1. The licensed school shall submit the text of the enrollment agreement to the Board for approval before the school may require students to sign the enrollment agreement.

2. The enrollment agreement shall be printed in the language in which the course will be offered and the student shall be provided with a copy of it.

(c) Schools offering courses in languages other than English shall employ an appropriately licensed teacher who is fluent in the English language and in the language in which the course is offered. The school's records shall contain evidence that the teacher is sufficiently qualified to adequately provide instruction in the non-English language.

(d) Instruction materials, for example, textbooks, and demonstration materials, shall be printed in the language in which the examination will be administered to the student.

(e) Final testing and periodic examinations required to be taken by the non-English speaking student shall be given in the language the examination will be administered to the student.

(f) At no time shall instruction conducted in a foreign language take place contemporaneously with instruction conducted in English within the same classroom.

Amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Added (f).

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In (a), inserted the last sentence; in (d), substituted "examination will be administered to the student" for "course will be offered"; and in (e), substituted "the language the examination will be administered to the student" for "that particular student's language".

13:28-6.10 Commencement of classes

School classes shall commence on the first Monday of each month, provided, however, that if a holiday falls on the first Monday, school classes shall commence on the first working day following the holiday. The Board may, at its discretion, approve a date for the commencement of school classes other than the first Monday of each month provided the licensed school obtains Board approval at least 60 days prior to the commencement of classes.

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Substituted "60" for "30".

13:28-6.11 School credits by hour

(a) School hour credits shall not be granted for more than 40 hours of regularly scheduled class time in any calendar week.

(b) A student may be given credit for up to eight hours of make-up classes per calendar week in excess of his or her regularly scheduled classes where such make-up time is necessary because of absence of the student from his or her regularly scheduled classes.

1. Each school shall submit a schedule of day or night make-up hours to be approved by the Board.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In the introductory paragraph of (b), inserted "per calendar week".

13:28-6.12 Training schedules

(a) The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

1. "Full-time student" means a student who regularly attends classes more than 20 hours a week, Monday through Friday inclusive.

2. "Part-time student" means a student who regularly attends classes 20 hours or less per week, Monday through Friday inclusive.

(b) Any part-time student may attend classes on Saturday upon approval by the school director.

(c) Any student who is absent from a regularly scheduled class may attend a designated make-up class upon approval by the school director, provided that the total class hours for any week shall not exceed 48.

13:28-6.13 School schedules

(a) Each school shall submit a schedule of proposed classes including hours of instruction to be taught during the school year. This schedule must be approved by the Board prior to implementation.

1. Board approval will not be granted for school class sessions of less than three hours daily.

2. A copy of the approved schedule of classes shall be kept on the school premises at all times.

(b) The Board shall be advised one month in advance of any proposed change in the schedule of classes.

13:28-6.14 Smoking in schools

Smoking shall be prohibited in all areas of licensed schools, including clinics, pursuant to the New Jersey Smoke-Free Air Act, N.J.S.A. 26:3d-55, and the Smoke Free Air Rules, N.J.A.C. 8:6.

Repeal and New Rule, R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Section was "Smoking in schools".

13:28-6.15 School records

(a) Each school shall maintain a register of all students and check students' attendance twice daily.

(b) Each school shall keep a detailed record of students' attendance at classes and subjects taught at these classes.

(c) All school records relating to students shall be maintained for a period of five years. All records shall be maintained in a manner and condition subject to convenient inspection by inspectors or members of the State Board.

(d) Uniform student sign-in sheets shall be kept on a daily basis and shall be retained on the school premises at all times.

1. Uniform time sheets of daily attendance records for each student for each course of instruction shall be forwarded to the office of the Board at the end of each month. The time sheets shall contain the name and license number of the teacher conducting the course.

(e) School rules and regulations and copies of current cosmetology and hairstyling laws and rules of the State of New Jersey shall be maintained by each school in a location readily accessible to the students and management.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In (d)1, inserted "for each course of instruction" and inserted the last sentence.

13:28-6.16 Other trades; demonstrations

(a) Trades or professions other than the teaching of cosmetology and hairstyling shall not be practiced on the premises of a licensed school.

(b) A school shall not rent space for demonstrations to outside companies, individuals, corporations, associations, partnerships or other entities unless such space is in excess of the required minimum footage for school premises pursuant to N.J.A.C. 13:28-6.7. Demonstrations shall not conflict with the regular school operation.

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

13:28-6.17 Transfer of school business, relocation, renewal

(a) When a duly licensed school moves to a new location or undergoes a transfer of ownership, the school shall give notice to the Board as soon as practicable, pursuant to N.J.S.A. 45:5B-36, and shall submit an initial application for licensure.

(b) In the case of a move by a duly licensed school to a new location, the Board may waive any provisions of this subchapter relating to the initial application for licensure of schools which the Board in its discretion deems to be unduly burdensome under the circumstances of the particular move. The Board may permit the new school to operate pending completion of the application process to obtain a new license.

(c) In the case of a transfer of ownership by a licensed school, the new school shall not commence operations until the provisions of this subchapter relating to the initial application for licensure of schools are satisfied, except as provided in (c)1 below.

1. If a transfer of ownership by a licensed school results from the death or disability of a principal shareholder or partner in the business entity which holds the school license, the school may continue to operate for six months, pursuant to N.J.S.A. 45:5B-36, pending completion of the application process to obtain a new license.

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (b), substituted "by a duly licensed school to a new location" for "or transfer in (a) above", deleted "or transfer" at the end of the first sentence, inserted "to obtain a new license" at the end of the second sentence; added (c).

13:28-6.18 Supervising teacher

A proposed new school shall supply the Board with satisfactory evidence, in the form of a one-year employment contract, of employment of a supervising teacher, consistent

with the requirements of N.J.A.C. 13:28-6.24(b), prior to final approval of its application by the Board.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Inserted “, consistent with the requirements of N.J.A.C. 13:28-6.24(b),”.

13:28-6.19 Branch schools licensed separately

All premises used as a licensed school, including each and every branch school, must be licensed separately.

13:28-6.20 Minimum equipment

(a) Each school shall possess and operate equipment adequate and sufficient for the courses of instruction administered. This equipment shall be modern, installed in accordance with standard building codes or safety regulations and operated in conformity with standard safety regulations.

(b) The minimum equipment required for schools shall be as follows:

1. Six shampoo bowls in good running condition, with a minimum of one shampoo bowl per classroom;
2. Three metal pressing combs and three flat irons;
3. Six manicure tables;
4. Foot soaking equipment;
5. Three marcel ovens and irons or three electronically controlled marcel irons;
6. Six hair dryers;
7. One container for enzymatic cleaning solution for each manicure table that allows implements and tools to be totally immersed;
8. A designated location for cleaning and disinfecting implements and tools;
9. An ultrasonic unit for cleaning metal implements and tools;
10. A clean, closed receptacle at each work station that allows soiled implements and tools to be completely immersed in an enzyme solution prior to cleaning and disinfection;
11. A clean, closed receptacle for storage of sanitized implements and tools at each work station;
12. Six canvas or styrofoam blocks;
13. One practice mannequin with stand and/or table clamp per student;
14. One reclining facial chair;
15. A utility table with disposable sanitary covering;
16. A make-up stool;

17. A facial steamer;
 18. A suction machine and attachments;
 19. A galvanic machine and attachments;
 20. A magnifying lamp;
 21. An electric brushing machine and attachments;
 22. An electric heating mask;
 23. A waxing unit;
 24. A spray machine and attachments;
 25. A Wood's lamp;
 26. A high frequency instrument and attachments;
 27. Robes for clinical service patrons, when desired or required;
 28. A barber chair.
 29. A latherizer, one hone, one strop and electric clippers;
 30. One professional clinical uniform or lab-type jacket per student. Tee shirts and aprons shall not be acceptable as a clinical uniform;
 31. One student locker for each pupil with provisions for security of students' equipment in the locker rooms;
 32. Separate lavatories for men and women with toilets and with sinks having hot and cold running water; and
 33. One teachers' lavatory for schools having three or more teachers.
- (c) Each school shall supply each cosmetology and hairstyling student with the following tools: two hair brushes, one thermal brush, combs, 100 clips, cape, haircutting razor, shears, thinning shears, cold wave rods, end papers, rollers, tint brush, bowl and applicator bottle, duck clips, spray bottle, styptic powder or liquid, mannequin with stand and/or table clamp, hard rubber comb, marcel iron, blow dryer, protective eyewear, protective gloves, a manicuring kit with tips and wraps, a make-up kit, a tweezer, a cold wax kit, metal pressing comb, shaving razor with disposable blades, workbook and textbook.

(d) Each school shall supply each manicuring student with a kit having a pusher, files, emery boards, nipper, nail brush, orange wood stick, spatula, tips, wraps (non-adhesive), adhesive, a clean, closed receptacle that allows soiled implements and tools to be completely immersed in an enzyme solution prior to cleaning and disinfection, finger bowl, appropriate creams, nail polish remover, styptic powder or liquid, protective eyewear, pedicure slippers, workbook, textbook, a tweezer, a cold wax kit and a practice hand.

(e) Each school shall supply each skin care specialty student with a kit having one textbook, one workbook, one protective cloth drape, one pair of protective gloves, protec-

tive eyewear, two headbands, one shoulder cape, one package of cotton swabs, one roll of cotton, one box of tissues, six cleansing sponges, one package facial cotton pads, three spatulas, a clean, closed receptacle that allows soiled implements and tools to be completely immersed in an enzyme solution prior to cleaning and disinfection, a tweezer, a cold wax kit, one make-up kit, one set of makeup brushes, three terry cloth towels, one bottle of alcohol, one bottle of anti-septic, two 20-ounce bowls and one container of each of the following: cleansing cream, astringent, massage cream, moisturizer and all purpose masque.

(f) All student kits are to be inspected by teachers and kept in sanitary condition.

(g) Each school shall have a sufficient supply of working places, chairs, mirrors, shelves, facilities, blackboards and charts as required for students who take notes on lectures.

(h) Each school shall have separate, closed cabinets for supplies as follows:

1. At least one closed container for soiled linens in each classroom;
2. At least one closed container for all waste materials in each classroom;
3. Sufficient supply of properly labeled lotion containers with tops or covers.

(i) Each school shall have separate classrooms for junior and senior students, separate classrooms for different specialties, as well as separate classrooms if classes are taught in a language other than English.

(j) Each school shall provide furnishings and supplies sufficient to accommodate and properly teach its students.

(k) Any equipment which may be hazardous to operate shall be used by a student only when there is a licensed teacher in the room.

(l) Each school shall install a bulletin board in a location which is readily accessible to all persons. All notices and school rules and curricula shall be posted on the bulletin board.

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

In (b)6, added ultraviolet sterilizer requirement and decreased required dry sterilizers; in (b)10, added reclining requirement to facial chair and deleted barber chair requirement; inserted new (b)11 through (b)24; recodified existing (b)11 through (b)14 to (b)25 through (b)28; in (c) and (d) added to required equipment to be supplied; added (e) and (f); recodified (d) through (f) to (g) through (i); and in (i), added categories requiring separate classrooms; and recodified (g) through (i) to (j) through (l).

Amended by R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

In (b), inserted a new 3, and recodified former 3 through 28 as 4 through 29; in (c), substituted a reference to hard rubber combs for a reference to straightening combs, and inserted references to waxing

strips and to workbooks; in (d), added references to waxing strips and to practice hands; and in (e), changed equipment descriptions, and inserted a reference to waxing strips.

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (b), renumbered second existing 3 as 4, inserted "or styrofoam" preceding "blocks" in 9, and substituted "strop" for "strap" in 26; in (c), substituted "rollers, tint, brush or applicator bottle" for "rollers, hair dye brush, swab or applicator bottle" and "a cold wax kit" for "waxing strips"; in (d), substituted "a cold wax kit" for "waxing strips"; in (e), substituted "textbook" for "theory book" and "one sterilizer container with lid, a tweezer, a cold wax kit" for "one sterilizer jar and sterilizer container with lid, one pair of tweezers, waxing strips", and deleted "night cream".

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Rewrote (b) and (c); in (d), substituted "a clean, closed receptacle that allows soiled implements and tools to be completely immersed in an enzyme solution prior to cleaning and disinfection" for "sterilizer"; in (e), substituted "a clean, closed receptacle that allows soiled implements and tools to be completely immersed in an enzyme solution prior to cleaning and disinfection" for "one sterilizer container with a lid"; in (h)1 and (h)2, substituted "container" for "containers" and inserted "in each classroom"; in (h)1, substituted "one" for "two"; and in (h)2, substituted "one" for "three".

13:28-6.21 Student standards and requirements

(a) An application for student registration and all training courses administered by licensed schools shall be accompanied by proof, by affidavit or otherwise, that the particular student has been informed that he or she must meet the minimum requirements for admission to licensing examination and that an examination must be taken and successfully completed. A copy of this notification must be retained in the student personnel file.

(b) Students and teachers shall be attired in washable, clean clinical uniforms or lab-type jackets during attendance at school. Tee shirts and aprons shall not be permitted. Students and teachers shall wear socks or stockings and shall wear clean, flat, rubber-soled shoes with closed toe and heel.

(c) Junior and senior students, and those enrolled in a teacher training course, shall be designated by the following forms of identification:

1. Junior students: white clinical uniform or lab-type jacket and a badge designating course of study;
2. Senior students: a clinical uniform or lab-type jacket of one color other than white to be designated by the school and a badge designating course of study;
3. Teachers: clinical uniform or lab-type jacket, in a color other than those used for junior and senior students and teachers-in-training, and an identification badge; and
4. Teachers-in-training: clinical uniform or lab-type jacket, in a color other than those used for junior and senior students and teachers, and an identification badge.

(d) Junior and senior students shall be distinguished as follows:

1. Junior cosmetology and hairstyling students are those students who have completed less than 600 hours of their courses in cosmetology and hairstyling;

2. Senior cosmetology and hairstyling students are those students who have completed 600 hours or more in their courses in cosmetology and hairstyling;

3. Junior manicuring students are those students who have completed less than 150 hours of their course in manicuring;

4. Senior manicuring students are those students who have completed 150 hours or more of their course in manicuring;

5. Junior skin care specialty students are those students who have completed less than 300 hours of their courses in skin care; and

6. Senior skin care specialty students are those students who have completed 300 hours or more of their courses in skin care.

(e) Upon filing and acceptance by the Board of applications for permission to enroll in a teacher training course, student registration cards shall be issued by the Board. Students enrolled in a teacher training course shall comply with all Board rules and the rules of the particular school.

(f) Each student shall sign the register each time he or she enters and leaves the school.

(g) Any student who is more than ten minutes late for class shall be penalized one hour unless the tardiness is due to an emergency condition as explained by the student, in writing, at the time of his or her attendance at that class.

(h) Failure of any student to observe school rules and regulations shall be considered sufficient justification for expulsion. A student who is expelled may request a hearing before the Board. Where good cause is demonstrated, a hearing may be scheduled.

(i) A school shall notify the Board in writing of all students whose training may be interrupted or terminated prior to graduation.

(j) Upon a student's completion of the curriculum and his or her graduation, the school shall certify this information to the Board and shall make such notation on the monthly time sheets submitted by the school.

(k) Failure of a school or student to comply with any provision of N.J.A.C. 13:28-6.21 may result in the Board's refusal to recognize credit hours claimed by or for a student and disqualify that student for examination by the Board.

(l) A student who desires to transfer to another school shall notify the Board of his or her intention at least two weeks in advance of the proposed transfer.

1. Upon application for a transfer, the new school shall conduct an evaluation to determine the number of hours for which the student may be credited and advise the Board of the results of the evaluation.

2. Credit hours for cosmetology and hairstyling training in out-of-state schools will be granted if such schools are approved by the Board.

(m) The school to which the student transfers shall submit to the Board an application for a new student registration number.

(n) Any student who is absent from school over a period of three months shall automatically be dropped from the monthly time sheets. A student requesting reinstatement shall be re-registered in accordance with N.J.A.C. 13:28-6.8 and shall comply with the following requirements:

1. A student who has ceased attending school for a period of three months up to five years may return to school following an evaluation conducted by the school to determine the number of hours for which the student may be credited. The results of such evaluation shall be reported to the Board;

2. A student who has ceased attending school for a period of more than five years shall not receive credit for any hours of training previously completed and shall be required to retake and complete the course in full; and

3. The school may petition the Board for an adjustment with respect to credit hours to which a student may be entitled upon reinstatement.

(o) Examinations shall be administered by the school to the student prior to completion of his or her course in accordance with the standard procedures followed by public educational institutions in the State in all courses of instruction. The examination shall be written and practical.

(p) All students shall complete a course of study in conformance with the curricula adopted by the Board.

(q) All students who successfully meet the requirements of this section shall be issued a diploma by the school.

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

In (c), added badge requirement; added (d)5 and (d)6.

Amended by R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

In (e), inserted "and the rules" following "Board rules".

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (d), deleted "not yet" preceding "completed" and substituted "less than 150" for "the first 100" in 3, and substituted "150" for "100" in 4; in (e), substituted "shall" for "will" and "enrolled in a teacher training course" for "taking teacher courses".

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Rewrote (b), (c)3 and (n); in (c)1 and (c)2, inserted "clinical" and "or lab-type jacket"; added (c)4; and in (i), inserted "in writing".

13:28-6.22 Application submission by schools

The school shall submit applications for each student for examination within 30 days after the student's completion of the course of study. Each application must be accompanied by two recent photographs, a copy of a high school or equivalency diploma and the appropriate fees pursuant to N.J.A.C. 13:28-5.1.

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

13:28-6.23 Number of teachers employed; teacher restrictions

(a) The number of teachers a school shall employ shall be determined in the following manner:

1. A minimum of one licensed teacher for every clinic area attended by up to 25 senior students (whether cosmetology and hairstyling, manicuring, or skin care specialty students);

2. A minimum of one licensed teacher for every clinic area attended by up to 25 senior skin care specialty students when the skin care specialty students attend a clinic area apart from the other students;

3. A minimum of one licensed teacher for every classroom attended by up to 25 junior cosmetology and hairstyling students;

4. A minimum of one licensed teacher for every classroom attended by up to 25 manicuring students;

5. A minimum of one licensed teacher for every classroom attended by up to 25 junior skin care specialty students.

(b) Teachers shall devote their entire time during school hours to the proper instruction of students and shall not engage in private or public practice of cosmetology and hairstyling during school hours. Teachers licensed by the Board shall be in constant attendance at all classes conducted by licensed schools.

(c) Schools offering instruction in a language other than English may be required to employ additional teachers pursuant to N.J.A.C. 13:28-6.9(f).

(d) A substitute teacher licensed by the Board shall be in attendance when a regular teacher is absent.

(e) A teacher shall immediately inform the Board in writing of the termination or interruption of services performed by him or her for a school.

Amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

(a) substantially amended; added (c); and recodified (c) and (d) to (d) and (e).

Amended by R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

In (a), inserted a new 2, and recodified former 2 through 4 as 3 through 5.

Administrative correction.

See: 31 N.J.R. 768(a).

13:28-6.24 Employment of licensed teachers

(a) A school shall permit only a licensed teacher or a registered teacher training student, under the direct supervision of a licensed teacher, to teach its students; provided, however, a demonstrator may demonstrate new processes, preparations and appliances to a class of school students if such demonstration is supervised by a licensed teacher at the school.

1. For purposes of this section, "direct supervision" means that the licensed teacher is physically present in the room at all times during the teacher training student's instruction and is immediately available to provide assistance, if necessary.

(b) Each school shall employ a teacher supervisor who has been a licensed teacher actively teaching for a period of two years who will be responsible for the conduct of the teaching staff and students. A teacher may be designated as the teacher supervisor for one school only. The name of the teacher supervisor shall be posted in a location clearly visible to all students and school staff members.

(c) The teacher supervisor shall be on-site at all times while school is in session and shall be responsible for conducting frequent observations of the teaching staff and the students throughout the school day.

(d) When the teacher supervisor is absent from the school, the school shall ensure that another licensed teacher who has been actively teaching for a period of two years is physically present to oversee the teaching staff and the students. The name of the teacher who will be supervising the school during the teacher supervisor's absence shall be posted in a location clearly visible to all students and school staff members.

(e) The teacher supervisor shall be responsible for conducting competency evaluations of all members of the teaching staff at least once per school year.

(f) Each school shall submit a list of its teachers and registered teacher training students to the Board and advise the Board in writing immediately of changes in its teaching staff.

Amended by R.1999 d.434, effective December 20, 1999.

See: 31 N.J.R. 923(b), 31 N.J.R. 4286(c).

In (a), inserted "under the supervision of a licensed teacher," in the introductory paragraph, and added 1.

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (a), substituted "registered teacher training student, under" for "registered student teacher, under" in the introductory paragraph, and substituted "teacher training student's" for "student teacher's" in 1; in (c), substituted "teacher training students" for "student teachers".

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In (b), inserted the last two sentences; added new (c) through (e); and recodified former (c) as (f).

13:28-6.25 Refresher courses

(a) Refresher courses may be administered to the following:

1. Any person who holds a practitioner's license;
2. Any person who held a practitioner's license that has been suspended for failure to renew who desires to prepare for an examination;
3. An applicant for licensure who applies for examination more than three years, but less than five years, from the date he or she completed training; and
4. An applicant for licensure who has not passed both the theory and practical portions of the examination within three years from the date the applicant first took the examination.

(b) The school shall forward applications for registration cards to the Board for all persons desiring to enroll in refresher courses.

(c) A student permitted by the Board to enroll in refresher courses shall comply with that particular school's rules and with the rules of the Board.

(d) Credit will not be given by the Board for refresher courses of less than 250 hours.

Amended by R.2009 d.169, effective May 18, 2009.
See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Rewrote the introductory paragraph of (a); and added (a)1 through (a)4.

13:28-6.26 Postgraduate courses

(a) Postgraduate courses shall be administered only to persons who presently hold a current practitioner's license, or to persons who have completed 1,200 hours of training and were graduated but have not obtained their license and desire to obtain advanced education in the practice of cosmetology and hairstyling.

(b) The school shall forward applications for student registration cards to the Board for all persons desiring to enroll in postgraduate courses.

(c) A student permitted by the Board to enroll in postgraduate courses shall comply with that particular school's rules and with the rules of the Board.

(d) Credit will not be given by the Board for postgraduate courses of less than 250 hours.

13:28-6.27 Clinical work prerequisites and limitations

(a) Any school performing clinical work shall display in a conspicuous place in the waiting room and senior room a sign readily visible and legible, stating: SERVICES DONE HERE BY SENIOR STUDENTS ONLY. This sign shall be in letters at least one inch high.

(b) A school shall not permit its students to practice cosmetology and hairstyling on the public under any circumstances except by way of clinical work performed upon persons willing to submit themselves to such practice.

(c) Before clinical work may be performed, the person to receive cosmetology and hairstyling services shall be advised by the teacher in charge that the operator is a senior student.

(d) Theory shall be taught in every subject before a senior student may be permitted to perform clinical services upon any subject or model.

(e) Clinical services may be performed upon the general public during the hours of school training daily from Monday to Saturday inclusive by senior cosmetology and hairstyling, senior manicuring and senior skin care specialty students only.

(f) Senior students shall be prohibited from distributing appointment cards and soliciting or making appointments for services to patrons during school hours.

(g) The instructor shall at all times be responsible for assigning subjects or models to the senior student.

(h) Teachers shall not perform or complete any one or a series of services or receive compensation for services on patrons in school clinics.

(i) Truthful, non-deceptive school advertisements for clinic patrons upon whom cosmetology and hairstyling services may be performed are permitted, provided however, that all such advertisements must clearly inform the prospective clinic client that the advertised services are to be performed by senior students under the supervision of licensed teachers.

(j) Fees shall not be accepted from any person who acts as the subject or model for the purpose of a demonstration in school classes or clinics.

(k) The school shall keep records or slips showing the number of cosmetology and hairstyling treatments or operations of clinical work by senior students. These records or slips shall be maintained and kept by the school on its premises as part of its official records.

(l) Clinic hours may be determined by the school; provided, however, that at least one hour of classroom instruction for full-time students and one half hour of classroom instruction for part-time students must be scheduled for each day in addition to any scheduled clinic practice for such students.

Amended by R.1996 d.584, effective December 16, 1996.
See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

In (e), added senior skin care specialty students.

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

In (e), inserted "and hairstyling" following "senior cosmetology".

13:28-6.28 Curriculum for 500-hour course for barbers who wish to obtain a cosmetology-hairstyling license

TIME DISTRIBUTION FOR INSTRUCTION UNITS AND CLINICAL PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
Make-up, Depilatory, Eyebrow Arching	15	45	60
Roller Control, Pin Curls, Fingerwaving, Back Combing	50	90	140
Bleaching including Frosting, Tipping & Streaks	50	70	120
Permanent Waving	50	80	130
Manicuring & Pedicuring	<u>15</u>	<u>35</u>	<u>50</u>
TOTAL	<u>180</u>	<u>320</u>	<u>500</u>

13:28-6.29 Curriculum for 1200-hour cosmetology and hairstyling course

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
State Laws, Rules & Regulations for Cosmetology & Hairstyling Administrative Shop Operations	10	0	10
Decontamination & Infection Control	3	7	10
Facials & Massage, Skin Care, Make-up, Depilatory, Eyebrow Arching, Shaving	30	70	100
Shampooing—including Tempo- rary & Semi-Permanent Rinses	25	45	70
Hair and Scalp Treatments, Re- conditioning Treatments	15	40	55
Hair & Basic Layer & Clipper Cut—Razor, Scissors, Thinning Shears, Tapering	40	130	170
Hairstyling—including Pin Curls, Fingerwaving, & Blow Waving	30	150	180
Hair Tinting & Bleaching includ- ing Frosting, Tipping & Streaks	35	110	145
Permanent Waving	30	100	130
Chemical Relaxing & Pressing	30	60	90
Thermal Curling & Waving	15	45	60
Manicuring & Pedicure	50	100	150
Chemistry Relating to Cosmetol- ogy	30	0	30
TOTAL	<u>343</u>	<u>857</u>	<u>1200</u>

Amended by R.1993 d.287, effective June 7, 1993.
See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).
Amended by R.2009 d.169, effective May 18, 2009.
See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Section was "Curriculum for 1200 hour cosmetology and hairstyling course". In the first column, substituted "Decontamination & Infection Control" for "Sanitation & Sterilization".
Administrative correction.
See: 41 N.J.R. 3938(a).

13:28-6.30 Curriculum for 25 hour shaving course for beauticians who wish to obtain a cosmetology-hairstyling license

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Theory	Practical	Total
Shaving Course Outline:	10	15	25

13:28-6.31 Curriculum for 500-hour teacher training course

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
State Laws, Rules & Regulations for Cosmetology & Hairstyling Administrative Shop Operations	5	0	5
Decontamination & Infection Control	5	0	5
Facials, Massage, Skin Care, Make-up, Depilatory, Eyebrow Arching, Shaving	15	15	30
Shampooing—including Temporary & Semi-Permanent Rinses	5	10	15
Hair and Scalp Treatments, Reconditioning Treatments	5	10	15
Hair & Basic layer & Clipper Cut—Razor, Scissors, Thinning Shears, Tapering	10	30	40
Hairstyling—including Pin Curls, Fingerwaving, & Blow Waving	10	30	40
Hair Tinting & Bleaching including Frosting, Tipping & Streaks	10	20	30
Permanent Waving	10	20	30
Chemical Relaxing & Pressing Thermal Curling & Waving	10	25	35
Manicuring & Pedicuring	10	20	30
Chemistry Relating to Cosmetology	10	0	10
Teaching Methods	40	100	140
Motivation & Learning	10	0	10
Testing	10	0	10
Teacher Preparation	15	0	15
Instruction Evaluation	20	0	20
Classroom Management	20	0	20
TOTAL	220	280	500

Amended by R.1993 d.287, effective June 7, 1993.

See: 25 N.J.R. 893(b), 25 N.J.R. 2485(b).

Amended by R.2002 d.279, effective September 3, 2002.

See: 33 N.J.R. 3727(a), 34 N.J.R. 3094(a).

Rewrote the section.

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Section was "Curriculum for 500 hour teacher training course". In the table heading, inserted a colon at the end; and in the first column, substituted "Decontamination & Infection Control" for "Sanitation & Sterilization".

13:28-6.32 Curriculum for Board administered and approved teacher shaving course

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Theory	Practical	Total
Shaving Course Outline:	10	15	25

13:28-6.33 Curriculum for 300-hour manicuring course

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
State Laws, Rules & Regulations for Cosmetology & Hairstyling			
Administrative Shop Operations	10	0	10
State Board Examination	5	10	15
Professionalism, Safety and Health	5	0	5
Decontamination & Infection Control	10	5	15
Manicuring and Pedicuring	10	40	50
Diseases and Disorders of the Nail	10	0	10
Anatomy of the Hand, Arm, Foot and Leg	10	0	10
Nail Tips and Extensions	5	20	25
Nail Wraps	5	20	25
Nail Gels	5	10	15
Sculptured Nails	10	30	40
Nail Art	5	5	10
The Skin and its Diseases	5	0	5
Removal of Unwanted Hair	10	30	40
Salon Management	10	0	10
First Aid	5	0	5
Chemicals and Chemistry Relating to Products	10	0	10
TOTAL	130	170	300

New Rule, R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Former N.J.A.C. 13:28-6.33, "Bond for schools of cosmetology and hairstyling", recodified to 13:28-6.35.

Amended by R.2002 d.279, effective September 3, 2002.

See: 33 N.J.R. 3727(a), 34 N.J.R. 3094(a).

Rewrote the section.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Section was "Curriculum for 300 hour manicuring course". In the table heading, inserted a colon at the end; and in the first column, substituted "Decontamination & Infection Control" for "Sanitation, Sterilization and Bacteriology".

13:28-6.34 Curriculum for 600-hour skin care specialty course

TIME DISTRIBUTION FOR INSTRUCTIONAL UNITS AND CLINICAL PRACTICE:

	Hours of Class and Subject Related Instruction	Hours of Practical Instruction	Total
State Laws, Rules & Regulations for Cosmetology & Hairstyling			
Administrative Shop Operations	10	0	10
Orientation, Safety and Health and Professionalism	10	0	10
Decontamination & Infection Control	20	5	25
Anatomy, Physiology and Nutrition	40	0	40
Structure and Functions of Skin	25	0	25
Superfluous Hair	10	30	40
Chemistry Related to Skin Care	40	0	40
Electricity and Machines	15	40	55
Facial and Body Procedures	50	125	175
Make-up Techniques and Corrective Make-up Techniques (post-surgical)	50	100	150
Business Practices and Job Skills	30	0	30
Total Hours	300	300	600

Repeal and New Rule, R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Section was "Eligibility for teacher's license for applicants enrolled in a teacher's training course prior to December 4, 1985".

Amended by R.2003 d.458, effective December 1, 2003.

See: 35 N.J.R. 2400(a), 35 N.J.R. 5429(a).

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In the table heading, inserted a colon at the end; and in the first column, substituted "Decontamination & Infection Control" for "Bacteriology, Sanitation and Sterilization".

13:28-6.35 Bond for schools of cosmetology and hairstyling

(a) Each school of cosmetology and hairstyling licensed by the Board shall post a bond in favor of the State in an amount to be determined as follows:

1. Schools with an average weekly enrollment of 1 to 20 students \$20,000
2. Schools with an average weekly enrollment of 21 to 75 students \$30,000
3. Schools with an average weekly enrollment of over 75 students \$40,000

Recodified from 13:28-6.33 by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

Former N.J.A.C. 13:28-6.35, "Annex classrooms", recodified to 13:28-6.36.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

In (a)1, substituted "\$20,000" for "\$10,000"; in (a)2, substituted "\$30,000" for "\$15,000"; and in (a)3, substituted "\$40,000" for "\$20,000".

13:28-6.36 Annex classrooms

(a) An application for approval of a school of cosmetology and hairstyling to conduct an annex classroom separate and apart from the licensed main facility for specific training activities shall be submitted on an application form prescribed and provided by the Board. The application shall specify the location of the annex classroom and the type of instruction to be conducted in the annex classroom, whether cosmetology and hairstyling, manicuring, or skin care specialty.

1. A licensed school may not have more than one annex classroom. It may be used only by the school under which it is licensed.

2. An inspection of the annex classroom shall be made by an inspector after the minimum equipment has been installed therein, and a report of such inspection shall be made to the Board before a school may be authorized to operate.

3. Schools shall submit a new application pursuant to this rule and obtain Board approval prior to changing the type of instruction offered in the annex classroom.

4. Schools making application to include an annex classroom in their initial school license application will not be charged a separate application fee. Schools making application for an annex classroom after their initial license is issued shall be required to pay a separate application fee.

(b) The minimum requirements for an annex classroom are as follows:

1. The minimum floor space in any annex classroom shall be at least 500 square feet, excluding offices, reception, locker and lavatory space, for the first 25 students.

i. For every student thereafter, there shall be 20 square feet of floor space per cosmetology and hairstyling student and 25 square feet of floor space per skin care specialty student.

ii. The space provided for any annex classroom shall not be considered part of the minimum space required for a school license and shall not exceed the 2,250 square footage work space requirement of the primary school location. The annex classroom shall comply with all applicable requirements in this subchapter.

2. Each annex classroom shall possess and operate equipment adequate and sufficient for the courses of instruction administered. This equipment shall be modern, installed in accordance with standard building codes or safety regulations and operated in conformity with standard safety regulations. The minimum equipment required for all annex classrooms shall include: an ultrasonic unit, a

chalk board, one locker per student, separate lavatory facilities for men and women with toilets and sinks having hot and cold running water, a library of texts and reference books and such other necessary equipment in accordance with the approved curriculum. In addition, annex classrooms shall conform to the following equipment standards:

i. An annex classroom approved for instruction in cosmetology and hairstyling shall include: work stations for at least 25 students or for the actual number of students in attendance, whichever is greater, two shampoo bowls and chairs, two dryers, two styling chairs, a manicure station, a utility table with disposable sanitary covering, a make-up stool, a facial steamer, a suction machine, a magnifying lamp, an electric brushing machine, an electric heating mask, a waxing unit, a spray machine, a Wood's lamp and a high frequency instrument.

ii. An annex classroom approved for instruction in manicuring shall include: a manicuring table for every two students, two basins, a foot bath, a utility table with disposable sanitary covering and a waxing unit.

iii. An annex classroom approved for instruction in skin care specialty shall include: a facial table for every two students, two basins, one utility table with disposable sanitary covering for every two students, a make-up stool, a facial steamer, a suction machine, a galvanic machine, a magnifying lamp, an electric brushing machine, an electric heating mask, a waxing unit, a spray machine, a Wood's lamp and a high frequency instrument.

3. The maximum distance permitted between the annex classroom and the main facility shall be one mile; and students must be informed prior to enrollment that a portion of their training may be given at the annex facility.

4. Specific training activities permitted at the annex classroom facilities shall be limited to lectures, demonstrations, examinations, work on mannequins, and use of films, tapes, records and written materials. No clinical work on patrons or models (except for lecture/demonstration purposes with proper equipment) shall be permitted, except that instructors or lecturers are permitted to work on models and students may perform work on other students.

5. Students may complete no more than the first 50 percent of the total number of clock hours required for their course of study at the annex classroom. Clock hours completed at the annex classroom shall be recorded on sign-in sheets which must be kept separate and distinct from the sign-in sheets for clock hours completed at the main facility.

6. The ratio of licensed teachers present and on the premises to students in attendance at an annex classroom shall be at least one licensed teacher for every 25 students

or less, and one additional licensed teacher for every additional 25 students or less after the first 25.

7. All health, safety, sanitary and operating regulations applicable to licensed schools of cosmetology and hairstyling are applicable to annex classrooms unless otherwise specified.

(c) Upon receipt of an application for approval of a school of cosmetology and hairstyling to operate an annex classroom, the Board shall inform the applicant in writing that the application is either complete and accepted for filing or deficient with an explanation of the specific information or documentation required to complete the application. A complete application is one in which a completed application form, including all required information and documentation, has been filed by the applicant. Required information and documentation is as follows:

1. A floor plan;
2. A copy of the lease;
3. A listing of equipment;
4. Name(s) and license number(s) of the teacher(s) employed to teach at the annex;

5. Copies of the fire and building inspection reports; and

6. Proof of liability and bond coverage for the annex location and the students attending classes there.

(d) After reviewing a completed application and the report of inspection, the Board shall inform the applicant in writing of its decision regarding approval of an annex classroom.

New Rule, R.1992 d.444, effective November 2, 1992.

See: 24 N.J.R. 2333(a), 24 N.J.R. 4057(a).

Recodified from 13:28-6.35 and amended by R.1996 d.584, effective December 16, 1996.

See: 28 N.J.R. 3882(a), 28 N.J.R. 5175(a).

In (b)2, changed minimum equipment requirements.

Amended by R.1998 d.285, effective June 1, 1998.

See: 30 N.J.R. 972(a), 30 N.J.R. 2047(a).

In (a), added a second sentence in the introductory paragraph, inserted a new 3, and recodified former 3 as 4; and in (b), substituted a reference to minimum requirements for a reference to requirements in the introductory paragraph, and rewrote 1 and 2.

Amended by R.2009 d.169, effective May 18, 2009.

See: 40 N.J.R. 6739(a), 41 N.J.R. 2124(b).

Rewrote (b)1ii; in the introductory paragraph of (b)2, substituted "ultrasonic unit" for "ultraviolet sterilizer"; in (b)2i, (b)2ii and (b)2iii, substituted "unit" for "machine"; in (b)2i and (b)2iii, deleted a comma following the second occurrence of "lamp"; and in (b)2ii, deleted a comma following "covering".



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